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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/022,983 | 12/17/2001 | Kevin L. Morgan | HE0172 | 4227 |

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| EXAMINER |
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BRINEY III, WALTER F

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| ART UNIT | PAPER NUMBER |
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2644

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,983

Applicant(s)

MORGAN ET AL.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date 2. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwiec et al. (US Patent 6,314,102) in view of Poster, Jr. (US Patent 4,800,588).

Claim 1 is limited to **an apparatus for interconnecting customer premises equipment with a digital subscriber line (DSL) at a location remote from a telephone company central office**. Czerwiec discloses a **remote (i.e. a location remote from a telephone company central office) splitter shelf (figure 8, element DLC housing/cabinet) that combines ADSL (i.e. data) and POTS to a subscriber line (i.e. DSL) (column 10, line 54-column 11, line 12)**. Czerwiec discloses a **DLC housing (figure 8 and 8a) that has an interior cavity for holding circuits. The housing is connected (i.e. adapted to be operatively coupled with) to a remote ADSL shelf (i.e. telecommunications enclosure remote from central office) (figure 8, element ADSL cabinet). The housing's cavity holds xDSL/POTS splitter circuits (figure 8). The splitter combines POTS and ADSL (i.e. data) signals from the central office onto a drop line (i.e. DSL), and separates the signal from the drop line into POTS and ADSL (i.e. data) signals (column 10, lines 54-59)**. Czerwiec also discloses a network interface shelf, but does not give any detail about its construction. Therefore, Czerwiec

anticipates all limitations of the claim with the exception of a **cover moveably attached to the base and adapted to be opened and closed thereon**. Poster teaches a telephone network interface unit with a hinged cover that forms a weatherproof seal that prevents corrosion to the devices inside (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to sealingly cover the network interface shelf of Czerwiec with the weatherproof cover of Poster for the purpose of preventing corrosion to the devices inside.

Claim 2 is limited to **the apparatus according to claim 1**, as covered by Czerwiec in view of Poster. Czerwiec discloses an **ADSL/POTS splitter** that is a removable circuit card with a **back-plane** board connector (i.e. **is provided on a circuit card having a board edge connector**) (figures 7c and 8a) (column 9, lines 45-47). Each card plugs into one of the **back-plane circuit's** filter slots (i.e. **at least one card socket**). A plugged-in card is **electrically connected to the back-plane**. Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim.

Claim 3 is limited to **the apparatus according to claim 2**, as covered by Czerwiec in view of Poster. Czerwiec discloses a **back-plane circuit** (figure 8a) that connects to a central office and subscriber loop through line termination modules (figure 8a, elements LT), therefore, the line termination modules inherently comprise **wire connectors** (i.e. **at least one wire connector positioned within the interior cavity defined by the base and electrically connected to the back-plane circuit board**). The splitter is connected to each incoming and outgoing line to combine and split the signals on the lines through the back-plane wiring (i.e. **the wire connector is in**

electrical communication with the xDSL/POTS splitter through the back-plane circuit board) (column 9, lines 28-61). Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim.

Claim 4 is limited to **the apparatus according to claim 3**, as covered by Czerwiec in view of Poster. Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim with the exception **wherein the at least one wire connector is selected from the group consisting of a screw terminal and an insulation displacement contact (IDC) terminal**. The examiner takes Official Notice of the fact that using **screw terminals and insulation displacement contacts** to comprise line termination contacts (i.e. **wire connectors**) is well-known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use screw terminals and IDC terminals for the purpose of comprising the line termination contacts of Czerwiec.

Claim 5 is limited to **the apparatus according to claim 1**, as covered by Czerwiec in view of Poster. Czerwiec discloses receiving telephone lines from a remote DSL shelf (i.e. **telecommunications enclosure at the location remote from the telephone company central office**) (column 16, line 53-column 17, line 34). Inherently, the shelf containing the low-pass filters must comprise **at least one opening formed therethrough** so connections between each location can be made. The examiner takes Official Notice of the fact that **conduits** housing electrical connections between locations is well-known. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a conduit to connect the wires between the

remote splitter shelf and the remote DSL shelf for the purpose of protecting and weatherproofing the wires.

Claim 6 is limited to **the apparatus according to claim 5**, as covered by Czerwiec in view of Poster. Czerwiec discloses a splitter shelf that receives a **POTS signal provided on a first telephone line from the telephone company central office** (figure 8, element POTS service) (column 16, line 64-column 17, line 6) **and the data signal is provided on a second telephone line from the telephone company central office** (figure 8, element ATM Switch via ADSL) (column 11, lines 7-11). For the same reasons as in claim 5, the use of a conduit to provide protection to the telephone lines is made obvious (i.e. **wherein the conduit provides a wire-way for routing the DSL, the first telephone line, and the second telephone line between the telecommunications enclosure and the housing**). Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim.

Claim 7 is limited to **the apparatus according to claim 5**, as covered by Czerwiec in view of Poster. Poster teaches the installation of grommets in place of input/output wire paths to **sealingly engage the base to the conduit** (figure 8, elements 126) (column 5, lines 44-59). Poster also teaches a **cover** that is **hingedly attached to and sealingly engages the base** (figure 3, element 18). The combination of these two makes the **base rainproof when the cover is closed on the base** (column 2, lines 59-67). Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim.

Claim 8 is limited to **the apparatus according to claim 1**, as covered by Czerwiec in view of Poster. Czerwiec discloses a **xDSL/POTS splitter** using a **low-pass filter for passing the POTS signal** (figure 8) (column 9, lines 28-61). Therefore, Czerwiec in view of Poster makes obvious all limitations of the claim.

Claims 9-16 are essentially the same as claims 1-8, respectively, and are rejected for the same reasons.

Claims 17 and 18 are essentially the same as claim 6 and are rejected for the same reasons.

Claims 19 and 20 are rejected for the same reasons as claims 2 and 3, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

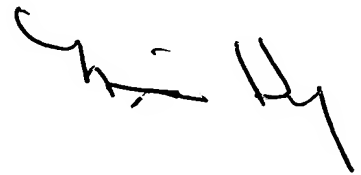
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PATENT EXAMINER